IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.470 OF 2007
IN
FIRST APPEAL (ST) NO.1189 OF 2007

Kokan Railway Ltd & Ors. ...Applicants

Versus

Krishna Yashwant Chavan & Anr. ...Respondents

Ms Asha Bhambwani for the Appellants.
Shri B.H.Mehta, A.G.P for the State.
Shri B.G.Tangsali for the Respondent No.1.

CORAM : ABHAY S.OKA, J.
DATED : SEPTEMBER 24th, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The learned Advocate for the Applicant states that the entire amount due and payable as per the impugned award has been deposited with the Reference Court. The learned Advocate for the first Respondent submits that considering the age of the first Respondent, he may be permitted to withdraw a part of the amount without furnishing security. The Appeal is already admitted for final hearing. Considering the facts and circumstances of the case, the said request made by the Advocate for the first Respondent cannot be acceded to. If the first Respondent desires to withdraw the amount, he will have to furnish adequate security on the entire amount to the satisfaction of the Reference Court. Hence, Civil

Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a).

(ii) It will be open for the first Respondent to withdraw the amount deposited by the Applicant subject to furnishing adequate security for the said amount to the satisfaction of the Reference Court. The Applicant will be heard before accepting the security.

(iii) If the entire amount or any part of the said amount deposited by the Applicant is not withdrawn by the first Respondent by furnishing adequate security within a period of six months from today, the Reference Court will invest the said amount in fixed deposit in any nationalised bank. The fixed deposit shall be renewed from time to time till the disposal of the Appeal.

(iv) Civil Application is disposed of accordingly.

JUDGE